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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Monday, the Twenty Ninth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD). No.9246 of 2024

in

WP(MD) No.2847 of 2024

Nehru Anna Kaikari Market
Sillarai Viyabarigal Sangam
Rep. by its Deputy Secretary
M.Manikandan
Office at No.19 Bhuvana Vilas
Kaikari Commission Viyabaram
Dharasuram Market, Kumbakonam,
Thanjavur District.

... Petitioner/Petitioner

Vs

1 The Commissioner
Kumbakonam Corporation
Kumbakonam
Thanjavur District

2 The Collector
Thanjavur District
Thanjavur

... Respondents/Respondents

Prayer in WMP(MD). No.9246 of 2024

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to pass an order to restore the WP(MD).NO.2847 of 2024 which was dismissed for default on 17.04.2024 on the file of this Honble Court and thus render justice.

<https://www.mca21.com/judis>



Prayer in WP(MD). 2847/ 2024 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records and quash the Resolution No.26 dated 26.12.2023 passed by 1st Respondent and pass such further or other orders deem fit and thus render justice.

ORDER:- This Writ Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.Senthil Kumar, Advocate for Mr.R.Subramanian, Advocate the Petitioner and of Mr.M.Rajarajan, Advocate for the 1st Respondent, and of Mr.K.Balasubramani, Special Government Pleader for the 2nd Respondent this Court made the following order:

W.P(MD)No.2847 of 2024 was filed challenging the agenda tabled on the file of Kumbakonam Corporation. The writ petition was dismissed for non-prosecution on 17.04.2024. Seeking its restoration, the Writ Miscellaneous Petition has been filed.

2. When the matter was taken up for hearing, the learned Standing Counsel appearing for the Corporation clarified that the earlier policy was to collect Rs.60/- at a flat rate from all the users of the vegetable market. Now the policy has been changed and a sum of Rs.3/- per square feet is collected from the users of the vegetable market.

3. I am of the view that the decision of the Municipality cannot be challenged. If the contractor appointed by the Corporation charges any extra excessive rates, it is always open to the users to complain to the Corporation. If any such complaint is lodged and if there is proof for such excess collection, appropriate action shall be taken by the Corporation. This in my view addresses the concerns expressed by the



petitioner.

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4. With these observations and direction to the Corporation, this Writ Miscellaneous Petition is disposed of.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/05/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

1. The Commissioner
Kumbakonam Corporation
Kumbakonam
Thanjavur District

2. The Collector
Thanjavur District,
Thanjavur

Copy to : The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

+ CC to Mr.M.Rajarajan Advocate CA Sr.No.23619/2024



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ORDER DATED : 29/04/2024

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ORDER

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WMP(MD). No.9246 of 2024

in

WP(MD) No.2847 of 2024

Giving direction and etc.

as stated within.

MK/17.05.2024 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023